

**S/N 10/788,906**

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Steven D. Girouard et al.

Examiner: Jessica Sarcione

Serial No.: 10/788,906

Group Art Unit: 3766

Filed: February 27, 2004

Docket No.: 279.696US1

Customer No.: 45458

Confirmation No.: 4545

Title: METHOD AND APPARATUS FOR DEVICE CONTROLLED GENE EXPRESSION

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**TERMINAL DISCLAIMER**

MS RCE

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

I, Janet E. Embretson, am an attorney of record for the above identified patent application as evidenced by the Power of Attorney filed in the present application on July 20, 2004. This Terminal Disclaimer is submitted on behalf of Cardiac Pacemakers, Inc., the assignee of the present invention. As an attorney of record, I am empowered to act on behalf of the assignee and, in accordance with 37 C.F.R. § 1.321(b)(iv), to sign this Terminal Disclaimer.

**Certificate Under 37 C.F.R. § 3.73(b)**

The assignee, Cardiac Pacemakers, Inc., hereby certifies that it is the owner of the entire right, title and interest in and to both the captioned application (U.S. Application Serial No. 10/788,906) and to U.S. Patent No. 7,729,761, by virtue of the executed and filed assignment transferring title of both of these applications.

The assignment for U.S. Patent No. 10/788,906 was recorded on July 20, 2004 at Reel 014873, Frames 0849 - 0852.

The assignment for U.S. Patent No. 7,729,761 was recorded on November 16, 2004 at Reel 015381, Frames 0255 - 0258. The captioned application is related to U.S. Patent No. 7,729,761.

The undersigned representative of the assignee has reviewed the evidentiary documents of title and certifies that to the best of assignee's knowledge and belief, title is in the assignee seeking to take the action set forth in this disclaimer.

### Terminal Disclaimer

The assignee of the captioned application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified patent application, which would extend beyond the expiration date of the full statutory term, as presently shortened by any terminal disclaimers, of U.S. Patent No. 7,729,761. The assignee hereby agrees that any patent to be granted on the captioned application shall be enforceable only for and during such period as such patent is commonly owned with U.S. Patent No. 7,729,761. This agreement shall run with any patent granted on the above-identified application and shall be binding upon the assignee's successors and assigns.

### Limitations on the Disclaimer

The assignee does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term as presently shortened by any terminal disclaimer of U.S. Patent No. 7,729,761 in the event that it later expires before such term for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed, is the subject of a reexamination certificate cancelling all claims, or is otherwise terminated prior to the expiration date of its statutory term as presently shortened by any terminal disclaimer.

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Fee Status

Please charge Deposit Account 19-0743 in the amount of \$140.00 which is required under 37 C.F.R. § 1.20(d) to file a statutory disclaimer. The Commissioner of Patents and Trademarks is hereby authorized to charge any additional fees or deficiencies, or credit any overpayments to Deposit Account No. 19-0743.

Respectfully submitted,

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Date June 18, 2010

By   
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Reg. No. 39,665

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: MS RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on June 18th, 2010.

Kate Gammon

Name

/ Kate Gammon /

Signature